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REPORT
100-161

AMENDING THE NATIONAL HISTORIC PRESERVATION ACT TO EXTEND THE AUTHORIZATION FOR THE HISTORIC PRESERVATION FUND

SEPTEMBER 17, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1744]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 1744) to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1744 is to extend the authorization of the Historic Preservation Fund for 5 years.

BACKGROUND AND NEED

The authorization for the income-stream into the Historic Preservation Fund expires at the end of fiscal year 1987—September 30, 1987. First authorized in 1986, the Historic Preservation Fund has two main thrusts: the State Historic Preservation programs and the National Trust for Historic Preservation. The Historic Preservation Fund is currently authorized not to exceed $150 million annually.

Under the State Historic Preservation programs funded by the Historic Preservation Fund a variety of functions are performed—administration of the respective State Historic Preservation Offices, survey and inventory or state resources, preparation of nominations to the National Register of Historic Places, administration of the Local Government Certification (CLGs) pass-through program, preliminary certification of tax credits, compliance and provision of technical assistance.

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The National Trust for Historic Preservation also receives basic funding from the Historic Preservation Fund. Some 18 percent of its budget comes from the Historic Preservation Fund. Monies from the Historic Preservation fund are used by the National Trust for Historic Preservation to further its charter purposes—of holding significant properties promoting public participation in historic preservation, coordinating with the private sector and the National Park Service and Advisory Council on Historic Preservation and providing technical expertise on historic preservation. The National Trust for Historic Preservation provides extensive educational materials and programs, administers grant and loan programs, and conducts research on preservation policy and techniques.

The Historic Preservation Fund is not related to the historic preservation tax credits which are set forth by the tax codes for the purpose of granting tax credits to income-producing buildings. Those credits apply strictly to income-producing buildings, with the result that noncommercial district sites, buildings and objects are not eligible for them.

Legislative History

H.R. 1744 passed the House on June 22, 1987, by a voice vote. A hearing was held by the Subcommittee on Public Lands, National Parks and Forests on July 30, 1987. A companion measure, S. 587 was introduced by Senator Johnston on February 26, 1987.

At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resoruces ordered H.R. 1744, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1744 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimates of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 16, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1744, an act to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund, as ordered reported by the Senate Committee on Energy and Natural Resources, September 16, 1987. CBO expects enactment of this legislation to result in no cost to the federal government or to state or local governments.

The Historic Preservation Act currently provides that $150 million shall be deposited into the fund in each of fiscal years 1982 through 1987. These monies are available for expenditure only to the extent appropriated by the Congress. Thus, deposits into the fund have no direct budget impact. Approximately $24 million was appropriated out of the fund for fiscal year 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Edward M. Gramlich,
Acting Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1744. The Act is not a regulatory measures in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1744, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 1744 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 17, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1744, "To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund."

We recommend enactment of H.R. 1744.

Since passage of the National Historic Preservation Act of 1966, we have witnessed an increasingly strong public interest in and support for historic preservation. The American public has demonstrated growing recognition of the importance of historical, architectural and archaeological values in improving the quality of life in our cities, towns, and rural communities. The public's concern has moved from a narrow interest in individual historic buildings to the need to preserve the sense of identity of America's communities.

Our partners in the State historic preservation offices carry out the national historic preservation program at the State and local level in accordance with standards and regulations published by the Department of the Interior. Historic preservation programs operate in 59 jurisdictions, including two Micronesian governments now in free association with the United States. Over 300 certified local governments now participate in the program under State auspices. In addition, more than 3,000 communities have established local historic preservation commissions.

Far more than just a cooperative program among different levels of government, this program succeeds largely because of the degree to which it stimulates and facilitates citizen initiative and private investment in the goal of preserving our national patrimony.

We wish to emphasize that our support is for the program and the extraordinary partnership it engenders. H.R. 1744 would create no obligation upon the Treasury, nor would it compel the Department to request additional appropriations in the future, and our support does not imply any commitment to make such requests.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

SUSAN RECCE,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1744, as ordered and reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL HISTORIC PRESERVATION ACT

(80 Stat. 917, as amended, 16 U.S.C. 470h)

* * * * * * *

SEC. 108. To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, and $150,000,000 for fiscal year 1981 and $150,000,000 for each of fiscal years 1982 through [1987] *1992,* from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: Provided, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

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